

ATTACHMENT B



STATE OF INDIANA
OFFICE OF THE INDIANA ATTORNEY GENERAL

CONSUMER PROTECTION DIVISION

GREG ZOELLER
INDIANA ATTORNEY GENERAL

302 W. WASHINGTON STREET, 5TH FLOOR • INDIANAPOLIS, IN 46204-2770
www.IndianaConsumer.com

PHONE: 317.232.6330
FAX: 317.233.4393

August 10, 2016

Mr. Joey Cammer
Liberty Action Group
2103 Nueces Street
Austin, TX 78705

Re: CID No. 16-00001-8370
Our File No. 16-TPL-91338

Dear Mr. Cammer:

Enclosed with this letter is a Civil Investigative Demand ("CID") issued to Liberty Action Group pursuant to Ind. Code § 4-6-3-3. The CID requests information pertaining to your company's auto-dialed calls to Indiana residents. Your client's response to this CID is due on or before August 31, 2016. Failure to respond may result in an enforcement action against your company seeking injunctive and other remedies pursuant to Ind. Code § 4-6-3-6. Note: The response is not complete unless it includes a signed verification and a declaration of custodian of records.

If you have any questions you may contact me at (317) 232-1011 or by email at marguerite.sweeney@atg.in.gov.

Sincerely,

Marguerite Sweeney

Marguerite, M. Sweeney
Deputy Attorney General
Section Chief, Telephone Privacy

Enclosure

Via U.S. certified mail and email

**OFFICE OF THE INDIANA ATTORNEY GENERAL
TELEPHONE PRIVACY SECTION**

IN RE: Liberty Action Group

Respondent.

CIVIL INVESTIGATIVE
DEMAND NO. 16-00001-8370

THE ATTORNEY GENERAL TO:

Liberty Action Group
c/o Mr. Joey Cammer
2103 Nueces Street
Austin, TX 78705

CIVIL INVESTIGATIVE DEMAND

Attorney General Gregory F. Zoeller, pursuant to the provisions of Indiana Code § 4-6-3-1 *et seq.*, states that he has reasonable cause to believe that you may be in possession, custody, or control of documentary material, or may have knowledge of a fact that is relevant to an investigation being conducted by the Consumer Protection Division concerning telephone calls and consumer transactions which may violate Ind. Code § 24-4.7-4-1, § 24-5-14-5, or § 24-5-0.5-3.

You are to respond to the attached Interrogatories and Requests for Production and submit your responses to the Office of the Attorney General, Consumer Protection Division, Telephone Privacy Section, **Attn: Marguerite M. Sweeney**, 302 West Washington Street, Indiana Government Center South, 5th floor, Indianapolis, Indiana no later than 5:00 p.m. on August 31, 2016.

WITNESS my hand and seal of the Office of the Attorney General, State of Indiana,

August 10, 2016.



GREGORY F. ZOELLER,
ATTORNEY GENERAL OF INDIANA
Atty. No. 1958-98

By: Marguerite Sweeney
Marguerite M. Sweeney
Deputy Attorney General
Atty. No. 2052-49

Office of the Attorney General
302 West Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, IN 46204
(317) 232-1011

**OFFICE OF THE INDIANA ATTORNEY GENERAL
TELEPHONE PRIVACY SECTION**

IN RE: Liberty Action Group,)	CIVIL INVESTIGATIVE
)	DEMAND NO. 16-00001-8370
Respondent.)	

**INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

I. DEFINITIONS

As used in these Interrogatories and Requests for Production of Documents, the following terms have the following meanings, unless otherwise defined by a specific interrogatory or request:

1. "Liberty Action Group," "you," "your," "yours," and "yourself" mean Liberty Action Group, the respondent, and any of its present and former employees, agents, representatives, successors, assigns, principals, officers, directors, attorneys, or other persons acting for or on its behalf.

3. "Automatic dialing-announcing device" shall have the meaning set forth in Ind. Code § 24-5-14-1.

4. The term "document" means all written, printed, typed, or other graphic or photographic representation or reproduction of any nature, any electronic representation or communication, or any audio or video recordings in your possession, custody, or control, or known by you to exist or to have existed. Each copy of a document containing any alterations, annotations, or differing in any way from the original shall be considered an original document.

5. The term "Person" means any individual, organization (e.g., corporation, partnership, limited liability company, unincorporated association), or governmental entity,

agency, or office. Any reference herein to any person includes attorneys, officers, directors, employees, agents, and other representatives of that person.

6. "Identify" and "state the identity of" mean, in the case of:

- (1) An individual person, to state the person's full name, present or last known address, telephone number, present or last known occupation, and name, address, and telephone number of the person's employer;
- (2) An organization (e.g., a corporation, partnership, or association), to state the type of organization, its full name, its present or last known address and telephone number, and the state in which it is organized (e.g., incorporated); and,
- (3) A document, to state the date of issuance, author, addressee, all recipients, type of document or some other means of identifying it, and its present location or custodian.

II. INTERROGATORIES

A. Instructions

1. You should answer each interrogatory separately and fully in writing and under oath. In answering the interrogatories, furnish all information available to you, regardless of how that information was obtained, and regardless of whether such information may be hearsay. Include information known by or in the possession of Liberty Action Group, its members, officers, employees, agents, and information appearing in the records of Liberty Action Group.

2. If you cannot answer the following interrogatories fully and completely after exercising due diligence to secure all requested information, then answer each to the extent possible, specifying your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion, and detailing your attempts to secure the unknown information.

3. A question that seeks information contained in or about any document, or that seeks the identification of any document, may be answered by furnishing a copy of such document.

4. Your reply to each interrogatory should include attachments of as many pages as necessary to fully and completely respond, and should be identified by the number corresponding to each interrogatory as set forth below.

B. Interrogatories

1. Identify each person who provided any information used in answering any of these interrogatories, and for each person identified, specify the answers for which that person provided information.

ANSWER:

2. Attached to this document is Exhibit A, a list of telephone calls. For each telephone number listed in Exhibit A, identify:

- (a) All telephone calls made by or on behalf of Liberty Action Group to the telephone number;
- (b) The purpose of each telephone call;
- (c) The entity that made the telephone call;
- (d) Whether the call was dialed manually or via an automatic dialing-announcing device; and
- (e) Whether the call delivered or attempted to deliver a pre-recorded message.

ANSWER:

3. List all telephone calls, including pre-recorded message calls and any other type of calls, which Liberty Action Group made, caused to be made, ordered, arranged, and/or that were made on Liberty Action Group's behalf, to Indiana telephone numbers between January 1, 2016 and the present date. For each telephone call, include:

- (a) The ten digit telephone number called;
- (b) The date and time of the telephone call;
- (c) The purpose of the telephone call;
- (d) The entity who made the telephone calls on Liberty Action Group's behalf;
- (e) Whether the calls were dialed manually or by an automatic dialing-announcing device; and
- (f) Whether the calls delivered or attempted to deliver a pre-recorded message.

If Liberty Action Group is unable to answer this interrogatory, then state the name of the person who can answer this interrogatory and state the appropriate contact person's name, address, telephone number and email address.

ANSWER:

VERIFICATION

I affirm, under penalties for perjury, that the foregoing statements are true.

Liberty Action Group

Date:_____

By:_____

Name:_____

Title:_____

III. REQUESTS FOR PRODUCTION OF DOCUMENTS

A. Instructions

1. Provide any and all documents that are in your possession, custody, or control that are described in the following requests and identify the source of each of the documents you produce. If the documents consist of electronic records, produce copies of the requested documents in their native electronic format. To the extent any produced documents are not readable using Microsoft Office programs, please identify software commonly used to access those files, and produce an additional copy of those documents in a PDF or TIFF format.

2. If any document described in these requests was, but no longer is, in your possession, subject to your custody or control, or in existence, state your full knowledge as to the circumstances of the loss, transfer, destruction, or other disposition of the document.

3. For each and every document withheld under a claim of privilege or work-product doctrine, furnish the following information: date, sender, recipient, subject matter of the document, the basis on which privilege or work-product doctrine is invoked, and the specific request to which the document responds.

B. Requests

1. Produce all agreements, correspondence, emails and all other documents exchanged between Liberty Action Group and SmartCall Media, Inc.

2. Produce all documents upon which you base your answers to Interrogatory Nos. 2 and 3.

3. Produce all documents which contain consents, requests, or grants of authority from any Indiana telephone subscriber to receive telephone calls, including any pre-recorded calls or any other type of telephone calls, from Liberty Action Group between January 1, 2016 and the present date.

4. Produce all audio recordings which contain messages by Liberty Action Group.

Declaration of Custodian of Records

I, the undersigned, do hereby declare:

1. My name is _____.
2. I am a United States citizen and over eighteen (18) years of age. I am acting on behalf of the custodian of records of the business named in the subpoena, or I am otherwise qualified as a result of my position with the business named in the subpoena to make this declaration.
3. I am in receipt of Civil Investigative Demand No: 16-?? served on Liberty Action Group, Inc. by the Indiana Attorney General's Office, and requesting specific records of Liberty Action Group, Inc. Attached to this declaration are records responsive to the subpoena. I hereby certify that the records attached to this declaration:
 - a.) Were made at or near the time of the occurrence of the matters set forth in the records by or from information transmitted by a person with knowledge of those matters;
 - b.) Were kept in the course of a regularly conducted business activity; and
 - c.) Were made by the regularly conducted activity as a regular practice.
4. The Indiana Attorney General's Office may disclose this information in furtherance of its investigation.

I DECLARE under the penalty for perjury that the foregoing is true and correct.

Executed on _____

(Signature of declarant)

(Name and title of declarant)

(Name of business)

(Business address)

(City, State and zip code)

EXHIBIT "A"

	Phone Number Called	Date* of Call	Time* of Call	Complaint Number
1.	(765) 541-2343	4/5/2016	9:30 AM	11370836
2.	(317) 582-1348	4/9/2016	4:13 PM	11371859
3.	(219) 465-1908	4/19/2016	7:07 PM	11373792
4.	(812) 952-2374	5/2/2016	7:30 PM	11376541

*Dates and times are approximate